

### **REMARKS**

This responds to the Office Action dated April 4, 2008.

Claims 1 to 12 are amended, claims 13 to 17 are canceled, and no claims are added; as a result, claims 1 to 12 are now pending in this application.

#### **Double Patenting Rejection**

Claims 1-4, 5-7, 8-12, and 17 were rejected under a non-statutory obviousness-type double patenting rejection. Specifically, these claims were rejected as being unpatentable over U.S. Patent No. 5,861,881 under a non-statutory obviousness-type double patenting rejection. Applicant does not admit that the claims are obvious in view of U.S. Patent No. 5,861,881. However, a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) is enclosed herewith to obviate these rejections. In view of the Terminal Disclaimer filed herewith, withdrawal of the double-patenting rejection is respectfully requested.

Claims 13-16 were rejected under a non-statutory obviousness-type double patenting rejection, specifically over claims 1-4 of U.S. Patent No. 7,079,176. Claims 13 to 17 have been cancelled such that the rejection is moot.

#### **§103 Rejection of the Claims**

Claims 1-4 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858).

Claims 5-7 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858) as applied to claim 1, and further in view of Wachob (U.S. Patent No. 5,231,494).

Claims 8-12 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Harper et al. (U.S. Patent No. 5,585,858) as applied to claim 1, and further in view of Wolzien (U.S. Patent No. 5,761,606).

Claims 1-4 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720), and further in view of Barstow et al. (U.S. Patent No. 5,189,630).

Claims 5-7 and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720), and further in view of Barstow et al. (U.S. Patent No. 5,189,630) as applied to claim 1, and further in view of Wachob (U.S. Patent No. 5,231,494).

Claims 8-12 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bennett (U.S. Patent No. 5,068,733) in view of Hoarty (U.S. Patent No. 5,412,720), and further in view of Barstow et al. (U.S. Patent No. 5,189,630) as applied to claim 1, and further in view of Wolzien (U.S. Patent No. 5,761,606).

Applicants have revised the claims to better claim the disclosed invention. To best address the Examiner's rejections, a review of the present invention is desirable. In the system disclosed in the present application, a sophisticated multi-media television receiver system is provided to viewers. The multi-media television receiver system has access to both a digitized stream of video, audio, graphics, and data codes; and digitized video, audio, and graphics available on servers on a computer network. For example, **Figure 1** illustrates a digital cable box **25** that receives both a digital stream (from either digital cable distribution **150** or direct satellite **155**) and access to servers on the global internet **170** via an internet connection **160**. Thus dual input system allows for a very flexible television content distribution system that is able to customize television programming for each viewer.

A first input for each multi-media television receiver system receives a stream of digitized video, audio, graphics, and data codes. A second input for each multi-media television receiver system is coupled to a computer network such that additional digital video, audio, and graphics may be accessed from computer servers. The multi-media television receiver system then uses the data codes sent in the streamed data and user preference information to select digital video, audio, and graphics from either the streamed data of the first input or retrieved from the computer network on the second input for display to the viewer. The user preference information may be in the form viewer preference information that has been residing on the

multi-media television receiver system, user responses to an interrogatory given at the start of particular television program, or real-time viewer input from a remote control system.

This sophisticated multi-media television receiver system is claimed in all of the remaining independent claims. Firstly, all of independent claims claim the two input sources by calling for “a first input, said first input for receiving said live interactive programming comprising a stream of said plurality of digitally compressed video, audio, branching codes and graphics signals;” and “a second input, said second input comprising a connection to a computer network for receiving digitally compressed video, audio, and graphics signals.” And the independent claims further call for the “selecting at least one of the video, audio, or graphics signals from said first input or second input and directing a switch to the selected at least one video, audio, or graphics signals”. (See claims 1 and 5) As described above, various different factors may cause the selection of the particular video, audio, or graphics such as real-time inputs from the viewer or the viewer preferences stored in memory. Claims 1 and 5 cover these two cases, respectively. Specifically, claim 1 specifies “the selection of the selected at least one video, audio, or graphics signals a function of the branching codes and the **input from the viewer;**” and claim 5 specifies “the selection of the selected at **least one video, audio, or graphics signals a function of the branching codes and the** stored viewer profile;”.

Independent claim 8 covers claim 1 in ‘means for’ form.

The references cited by the Examiner fail to anticipate or render obvious the sophisticated multi-media television receiver system as claimed by the amended independent claims. Some of the various parts of the claimed system are claimed in the cited references. However, not all of the claimed parts are disclosed in the cited references such that a combination of the cited references would not anticipate the claimed invention. One of the significant features lacking in the cited references is the ability to seamlessly integrate video, audio, or graphics signals retrieved from a computer network into the displayed television content as taught by the present application and claimed in the amended claims. The reference cited by the Examiner as teaching integration of the internet with a television receiver system is the Wolzien reference. However, the Wolzien reference only teaches the distribution of Uniform Resource Locators (URLs) within television content such at the television receiver system or a personal computer system may access a web site at the designated URL. However, this is significantly different and more

primitive than a system that seamlessly integrates video, audio, or graphics signals into television content being displayed to a viewer. Thus, the cited references fail to anticipate or render obvious the invention claimed in the amended independent claims. The dependent claims include all of the limitations of the independent claims and thus are likewise allowable.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date August 4, 2008

By

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 4 day of August, 2008.

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Signature